

accordance with paragraph (a) of this section, the Director will decide whether or not an exotic bird species should be listed as an approved species for importation from the country of export, under section 15.33. In making this decision, the Director shall consider in addition to the general criteria in part 13 of this subchapter, all of the following factors for the species:

(1) Whether the country of export is effectively implementing the Convention, particularly with respect to:

(i) Establishment of a functioning Scientific Authority;

(ii) The requirements of Article IV of the Convention;

(iii) Remedial measures recommended by the Parties to the Convention with respect to this and similar species, including recommendations of permanent committees of the Convention; and

(iv) Article VIII of the Convention, including but not limited to establishment of legislation and infrastructure necessary to enforce the Convention, and submission of annual reports to the Convention's Secretariat;

(2) Whether the country of export has developed a scientifically-based management plan for the species that:

(i) Provides for the conservation of the species and its habitat(s);

(ii) Includes incentives for conservation unless the species is a documented pest species;

(iii) Is adequately implemented and enforced;

(iv) Ensures that the use of the species is:

(A) Sustainable;

(B) Maintained throughout its range at a level that is consistent with the species' role in its ecosystem; and

(C) Is well above the level at which the species might become threatened;

(v) Addresses illegal trade, domestic trade, subsistence use, disease, and habitat loss; and

(vi) Ensures that the methods of capture, transport, and maintenance of the species minimize the risk of injury, damage to health, and inhumane treatment; and

(3) If the species has a multi-national distribution:

(i) Whether populations of the species in other countries in which it occurs

will not be detrimentally affected by exports of the species from the country requesting approval;

(ii) Whether factors affecting conservation of the species, including export from other countries, illegal trade, domestic use, or subsistence use are regulated throughout the range of the species so that recruitment and/or breeding stocks of the species will not be detrimentally affected by the proposed export;

(iii) Whether the projected take and export will not detrimentally affect breeding populations; and

(iv) Whether the projected take and export will not detrimentally affect existing enhancement activities, conservation programs, or enforcement efforts throughout the species' range.

(4) For purposes of applying the criterion in paragraph (b)(2)(iv) of this section, the Director may give positive consideration to plans wherein very conservative capture and export quotas are implemented prior to being able to obtain all of the biological information necessary for a more large-scale management plan, if the country can demonstrate that such conservative capture and export quotas are non-detrimental to the species survival in the wild under the criterion in paragraph (b)(2)(iv) of this section.

(c) *Publication in the Federal Register.* The Director shall publish notice in the FEDERAL REGISTER of the availability of each complete sustainable use management plan received under paragraph (a) of this section. Each notice shall invite the submission from interested parties of written data, views, or arguments with respect to the proposed approval.

(d) *Duration of approval.* A species and country of export listed in section 15.33 as approved shall be approved for 3 years, at which time renewal of approval shall be considered by the Service.

[61 FR 2091, Jan. 24, 1996]

#### **§ 15.33 Species included in the approved list.**

(a) *Captive-bred species.* The list in this paragraph includes species of captive-bred exotic birds for which importation into the United States is not

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prohibited by section 15.11. The species are grouped taxonomically by order.

Species	Common name
Order Falconiformes:	
<i>Buteo buteo</i> .....	Common European buzzard.
Order Columbiformes:	
<i>Columba livia</i> .....	Rock dove.
Order Psittaciformes:	
<i>Agapornis personata</i> .....	Masked lovebird.
<i>Agapornis roseicollis</i> .....	Peach-faced lovebird.
<i>Aratinga jandaya</i> .....	Jendaya conure.
<i>Barnardius barnardi</i> .....	Mallee ringneck parrot.
<i>Bolborhynchus lineola</i> (blue form) .....	Lineolated parakeet (blue form).
<i>Bolborhynchus lineola</i> (yellow form) .....	Lineolated parakeet (yellow form).
<i>Bolborhynchus lineola</i> (white form) .....	Lineolated parakeet (white form).
<i>Cyanoramphus auriceps</i> .....	Yellow-fronted Parakeet.
<i>Cyanoramphus novaezelandiae</i> .....	Red-fronted parakeet.
<i>Forpus coelestis</i> (lutino form) .....	Pacific parrotlet (lutino form).
<i>Forpus coelestis</i> (yellow form) .....	Pacific parrotlet (yellow form).
<i>Forpus coelestis</i> (blue form) .....	Pacific parrotlet (blue form).
<i>Forpus coelestis</i> (cinnamon form) .....	Pacific parrotlet (cinnamon form).
<i>Melopsittacus undulatus</i> .....	Budgerigar.
<i>Neophema bourkii</i> .....	Bourke's parrot.
<i>Neophema chrysostoma</i> .....	Blue-winged Parrot.
<i>Neophema elegans</i> .....	Elegant Parrot.
<i>Neophema pulchella</i> <sup>1</sup> .....	Turquoise parrot.
<i>Neophema splendida</i> <sup>1</sup> .....	Scarlet-chested parrot.
<i>Nymphicus hollandicus</i> .....	Cockatiel.
<i>Platycercus adalae</i> .....	Adelaide rosella.
<i>Platycercus adscitus</i> .....	Pale-headed rosella.
<i>Platycercus elegans</i> .....	Crimson rosella.
<i>Platycercus eximius</i> .....	Eastern rosella.
<i>Platycercus ictorotus</i> .....	Western (stanley) rosella.
<i>Platycercus venustus</i> .....	Northern rosella.
<i>Polytelis alexandrae</i> .....	Princess parrot.
<i>Polytelis anthopeplus</i> .....	Regent parrot.
<i>Polytelis swainsonii</i> .....	Superb parrot.
<i>Psephotus chrysoterygius</i> <sup>1</sup> .....	Golden-shouldered parakeet.
<i>Psephotus haematonotus</i> .....	Red-rumped parakeet.
<i>Psephotus varius</i> .....	Mulga parakeet.
<i>Psittacula eupatria</i> (blue form) .....	Alexandrine parakeet (blue form).
<i>Psittacula eupatria</i> (lutino form) .....	Alexandrine parakeet (lutino form).
<i>Psittacula krameri manillensis</i> .....	Indian ringneck parakeet.
<i>Purpureicephalus spurius</i> .....	Red-capped parrot.
<i>Trichoglossus chlorolepidotus</i> .....	Scaly-breasted lorikeet.
Order Passeriformes:	
<i>Aegintha temporalis</i> .....	Red-browed Finch.
<i>Aidemosyne modesta</i> .....	Cherry Finch.
<i>Chloebia gouldiae</i> .....	Gouldian finch.
<i>Emblema guttata</i> .....	Diamond Sparrow.
<i>Emblema picta</i> .....	Painted finch.
<i>Lonchura castaneothorax</i> .....	Chestnut-breasted finch.
<i>Lonchura domestica</i> .....	Society (=Bengalese) finch.
<i>Lonchura pectoralis</i> .....	Pictorella finch.
<i>Neochmia ruficauda</i> .....	Star finch.
<i>Poephila acuticauda</i> .....	Long-tailed grassfinch.
<i>Poephila bichenovii</i> .....	Double-barred finch.
<i>Poephila cincta</i> .....	Parson finch.
<i>Poephila guttata</i> .....	Zebra finch.
<i>Poephila personata</i> .....	Masked finch.
<i>Serinus canaria</i> .....	Common Canary.

<sup>1</sup> **Note:** Permits are still required for these species under part 17 (species listed as endangered or threatened under the Endangered Species Act (ESA)) of this chapter.

(b) *Non-captive-bred species.* The list in this paragraph includes species of non-captive-bred exotic birds and countries for which importation into the United States is not prohibited by sec-

tion 15.11. The species are grouped taxonomically by order, and may only be imported from the approved country, except as provided under a permit

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issued pursuant to subpart C of this part.

[59 FR 62262, Dec. 2, 1994, as amended at 61 FR 2093, Jan. 24, 1996]

### Subpart E—Qualifying Facilities Breeding Exotic Birds in Captivity

§ 15.41 Criteria for including facilities as qualifying for imports. [Reserved]

§ 15.42 List of foreign qualifying breeding facilities. [Reserved]

### Subpart F—List of Prohibited Species Not Listed in the Appendices to the Convention

§ 15.51 Criteria for including species and countries in the prohibited list. [Reserved]

§ 15.52 Species included in the prohibited list. [Reserved]

§ 15.53 Countries of export included in the prohibited list. [Reserved]

## PART 16—INJURIOUS WILDLIFE

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AUTHORITY: 18 U.S.C. 42.

SOURCE: 39 FR 1169, Jan. 4, 1974, unless otherwise noted.

### Subpart A—Introduction

#### § 16.1 Purpose of regulations.

The regulations contained in this part implement the Lacey Act (18 U.S.C. 42).

#### § 16.2 Scope of regulations.

The provisions of this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also part 13).

#### § 16.3 General restrictions.

Any importation or transportation of live wildlife or eggs thereof, or dead fish or eggs or salmonids of the fish family Salmonidae into the United States or its territories or possessions is deemed to be injurious or potentially injurious to the health and welfare of human beings, to the interest of forestry, agriculture, and horticulture, and to the welfare and survival of the wildlife or wildlife resources of the United States; and any such importation into or the transportation of live wildlife or eggs thereof between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever, is prohibited except for certain purposes and under certain conditions as hereinafter provided in this part: *Provided*, That the provisions of this section shall not apply to psittacine birds (see also §§16.32 and 16.33 for other exemptions).

### Subpart B—Importation or Shipment of Injurious Wildlife

#### § 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of: (1) Any species of so-called “flying fox” or fruit bat of the genus *Pteropus*; (2) any species of mongoose or meerkat of the genera *Atilax*, *Cynictis*, *Helogale*, *Herpestes*, *Ichneumia*, *Mungos*, and *Suricata*; (3) any species of European rabbit of the genus